

# General Order

## Houston Police Department



ISSUE DATE:

November 25, 2019

NO.

500-03

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-03, dated January 5, 2012

**SUBJECT: GUARDING PRISONERS AT AREA HOSPITALS**

### POLICY

Officers shall use sound judgment to prevent the escape of a prisoner receiving medical treatment. When possible, officers shall maintain visual contact with the prisoner during treatment. The attending physician is the final authority in such matters.

Officers shall remain within reasonable proximity to the prisoner during medical procedures that exclude their immediate presence.

Officers shall consider their personal safety, the safety of the medical staff, and the safety of the prisoners at all times.

This General Order applies to all classified employees.

### DEFINITION

**Blind Book.** The process of registering prisoner information and/or property into the Harris County Operations Management System at a Harris County jail facility without the prisoner physically being in the facility.

## 1 PROCEDURES

The patrol division to which an arresting officer is assigned shall have primary responsibility for guarding a prisoner until the prisoner is booked into jail or transferred to a Harris County sheriff's deputy, a To-Be Warrant has been filed, or the prisoner is released as otherwise required.

### Requirements

The shift commander, or the sergeant in the shift commander's absence, shall review and evaluate the circumstances surrounding a prisoner's arrest and hospitalization to determine whether the prisoner should be guarded. The shift commander shall consider the following:

- a. The current manpower needs of the division.
- b. The degree of incapacitation of the prisoner.
- c. The seriousness of the crime charged (e.g., Class A or B misdemeanor).
- d. Any circumstances indicating the prisoner could be targeted for retaliation.

If the shift commander authorizes the prisoner to be left unguarded, the shift commander shall obtain an updated status at least every four hours on the unguarded prisoner. Because of federal

medical privacy laws, hospitals may be unwilling to disclose the prisoner's status; therefore, the shift commander must be prepared to assign an officer to check on the prisoner's status.

Shift commanders shall ensure the next shift commander is briefed about the prisoner. The incoming shift commander shall conduct an independent review to determine if the prisoner needs to be guarded. When the prisoner's condition improves sufficiently to make the prisoner capable of flight from the hospital, the prisoner shall be guarded.

### **Officers' Responsibilities**

Officers guarding an arrested person requiring hospitalization and charged with a Class B misdemeanor or greater offense shall notify the roll call sergeant.

Officers shall give the roll call sergeant all the information needed including the prisoner's name, race, gender, and location of confinement (e.g., hospital, floor, room, or ward number), the charge, as well as any other pertinent information.

Officers guarding prisoners shall contact the roll call sergeant one hour prior to the end of their shift regarding the status of the hospitalized prisoner. Officers shall remain on hospital assignment until an on-duty officer relieves them or the prisoner's status changes.

Officers assigned to relief duty for hospital assignments shall proceed directly to the hospital assignment without any stops other than those approved by a supervisor.

Prisoners in custody at a medical facility are allowed visitors only with a supervisor's approval.

### **Supervisors' Responsibilities**

When the roll call sergeant is informed an officer is guarding a prisoner who has been charged with a Class B misdemeanor or greater offense, the sergeant shall determine if the prisoner should be transferred to the custody of the Harris County Sheriff's Office (HCSO). The supervisor shall contact the HCSO Intake and come to a mutually agreed upon time for transfer of that prisoner. If no time can be agreed upon, the primary patrol division shall maintain responsibility for the prisoner until such time the HCSO agrees to the transfer.

When an officer is assigned to guard a prisoner, the roll call sergeant is responsible for ensuring the officer is relieved in a timely manner and the relieving roll call sergeant is made aware of the hospital assignment. This process shall continue until the prisoner's status changes or the HCSO takes custody of the prisoner.

When prisoners are ready for transfer to HCSO custody, the roll call sergeant shall contact the HCSO Intake. Once the HCSO has a unit available and the roll call sergeant has confirmed the transfer of custody has been completed, the roll call sergeant shall immediately notify the officer on guard to terminate the hospital assignment. If a deputy is not available, the roll call sergeant shall notify the guarding officer of the estimated transfer time and inform the incoming roll call sergeant of the updated status.

If the hospitalized prisoner has not been charged, the roll call sergeant shall determine whether the criteria has been met to file a To-Be Warrant (see section 3, *To-Be Warrants*). In all of the above circumstances, roll call sergeants shall notify the shift commander.

## 2 GUIDELINES FOR TRANSFER OF CUSTODY AT AREA HOSPITALS

HCSO will not complete the transfer of custody for prisoners who are in an operating room, labor and delivery room, the emergency room, or a clinic.

HCSO will take custody of a prisoner at a hospital once the prisoner has been assigned to a room or bed *and* one or more of the following criteria have been met:

- a. Charges are filed and approved by the Harris County District Attorney's (DA's) Office. The hospital, doctor's name, and room number or bed number shall be included in the charges.
- b. The prisoner has confirmed open warrant(s).

Officers guarding prisoners that meet the above criteria shall notify the roll call sergeant to initiate the transfer of custody to HCSO.

If a deputy is available and the required criteria for transfer of custody has been met, the officer shall deliver the prisoner's paperwork, money, and personal property to the jail and complete the registration (*blind book*) process. The prisoner's paperwork, money, and personal property shall remain the responsibility of the officer until the transfer of custody is complete.

Officers shall notify the roll call sergeant when the transfer is complete.

## 3 TO-BE WARRANTS

To-Be Warrants may be filed on hospitalized prisoners if all of the following exist:

- a. The DA's Office has approved the filing of a To-Be Warrant.
- b. The prisoner has a serious medical condition requiring hospitalization.
- c. The prisoner is a non-violent offender.
- d. The prisoner has been positively identified through fingerprint identification, a valid federal or state issued identification, or personal knowledge of the arresting officer.
- e. The prisoner is not believed to be a flight risk.

If charges have already been filed, the charging document must not have been assigned to a court.

If charges have already been filed in the case and the charging document has been assigned to a court, a To-Be Warrant shall not be acquired and the prisoner shall follow the HCSO jail bonding procedures.

The arresting officer shall contact the roll call sergeant to ensure the suspect meets the aforementioned requirements before filing a To-Be Warrant.

**Procedures**

Officers filling a To-Be Warrant shall adhere to the following procedures:

- a. Officers shall contact the DA's Office to discuss the nature of the case and charges. Only the DA's Office may authorize the filing of a To-Be Warrant on a suspect in custody.
- b. A completed incident report shall be entered into the Records Management System (RMS).
- c. Charges through DIMS (District Attorney Intake Management System) may be entered from a remote location or at the DA's Office along with the probable cause statement.
- d. The above referenced documents shall be presented in person to the DA's Office for review.
- e. The assigned officer shall present the charges to a magistrate. The To-Be Warrant process should be initiated only if a magistrate can reasonably be located. A magistrate is available 24 hours a day at the Harris County Criminal Justice building.
- f. Officers shall advise the district attorney and the magistrate that, upon the warrant being signed, the prisoner shall be left unguarded at the hospital.
- g. A supplement documenting the To-Be Warrant information (e.g., assistant district attorney's name, warrant number, bond, and court number) must be entered immediately.

When the assigned officer obtains the To-Be Warrant, the officer shall notify a jail HPD sergeant and the concerned division regarding the prisoner's final release. The guarding officer shall remain with the prisoner until the prisoner's release has been completed and approved by the concerned division and roll call sergeant.



**Art Acevedo**  
**Chief of Police**